

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

GUILLERMO RODRIGUEZ,

Petitioner,

v.

MATTHEW CATE, Secretary of  
Corrections,

Respondent.

Case No. CV 11-07151 CAS (AN)

ORDER ACCEPTING THE FINDINGS  
AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge's Report and Recommendation ("R&R") and Petitioner's Objections (dkt. 20). Further, the Court has completed a *de novo* review of those portions of the R&R to which Petitioner has objected.

IT IS ORDERED that:

1. The Objections are overruled for the reasons set forth in the R&R. Petitioner continues to argue the trial evidence by pointing to alleged conflicts in the victims' testimony, but a reviewing court may not second-guess decisions the jury made in the course of determining the credibility of witnesses, resolving conflicts in the testimony, weighing the evidence, and drawing reasonable inferences from proven facts. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781 (1979). Further,

1 Petitioner's contention that he has never admitted to "throwing anything towards the  
2 victims in this case" is irrelevant because his guilt was established by the eyewitness  
3 testimony of his victims and not a confession.

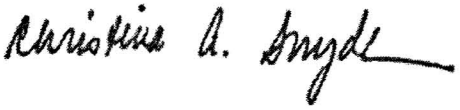
4 2. The Court accepts the findings and recommendation of the R&R.

5 3. Judgment shall be entered denying the Petition and dismissing this action  
6 with prejudice.

7 4. All motions are denied as moot and terminated.

8 IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this  
9 Order and the Judgment on all counsel or parties of record.

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12 Dated: April 16, 2012

  
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CHRISTINA A. SNYDER  
UNITED STATES DISTRICT JUDGE